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Boudreau, Paul E

To: Burger, David
Subject: RE: Remarks by Sec State Rice Enroute Berlin (12/5/05)

RELEASED IN FULL

From: Orlansky, Michael D
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Subject: Remarks by Sec State Rice Enroute Berlin (12/5/05)

In case you have not already seen this follow-up to the Secretary's statement at Andrews AFB yesterday, below are remarks and Qs and As with press en route to Berlin -- mostly on the topic of allegations of renditions and secret prisons, in the context of the European trip.

Mike

Remarks by Sec State Rice Enroute Berlin, Germany

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U.S. DEPARTMENT OF STATE

Office of the Spokesman

For Immediate Release December 5, 2005

REMARKS

Secretary of State Condoleezza Rice
En Route Berlin, Germany

December 5, 2005

SECRETARY RICE: All right. I'd like to start by just saying a few brief words about the bombing in Natanya this morning. Obviously, this kind of terrorist attack has to be condemned and condemned thoroughly. I believe that the Palestinian Authority has done so. I've spoken with Israeli officials. I intend to speak with Palestinians very soon.

Clearly, there are people who wish to arrest the potential progress toward peace that Israel and the Palestinians are trying to make. This does call upon the Palestinians to fight terror and to begin to deal with the terrorist organizations that are in their midst because clearly there are terrorist organizations who do not intend to be a part of a national consensus but rather intent to try to continue to kill innocent people.

It's been a rather complicated security situation over the last week or so in any case, and so we're working with both parties. I know that General Ward is going to be talking to both parties to see if we can try and keep matters on track. But our thoughts and our condolences and our prayers go out to those who were killed as well as those who have been injured, and we'll continue to work for peace.

QUESTION: Thank you. Can we go back to the issue that you raised this morning? You talked about the Convention on Torture prohibiting the cruel, inhuman and degrading treatment, but the Bush Administration in the past has asserted that the obligations do not apply outside the United States and, in fact, it has been

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documented that the CIA has used this loophole to conduct so-called "enhanced interrogation techniques," which include water boarding.* Are you saying now that the Administration believes that it does apply, the language on CID applies outside the United States?

SECRETARY RICE: The United States has obligations under the Convention Against Torture. Those obligations are determined by and are interpreted and enforced by U.S. law and by our Justice Department. So the United States is operating - all agencies of the United States are operating under our obligations concerning the CAT. And our obligations include a prohibition on cruel and unusual punishment, or cruel, inhumane - you know the list - punishment.

The important point here is for people to recognize that we are in a war on terror and yes, as I said this morning, it has challenged traditional norms that come out of either law enforcement or in which you're dealing with lawful combatants. But the President made very clear from the beginning that he doesn't condone torture, he doesn't intend for Americans to practice torture, and that we're going to live up to both U.S. law and to our international obligations.

QUESTION: By your silence on the underlying question of whether the secret sites actually exist this morning, many people will conclude that they do or that, if the answer was no, that you would have said so or someone would have said so by now. Do you think that your taking this - sort of taking it to the Europeans, as you did this morning, will be sufficient or will the questions continue?

SECRETARY RICE: Well, whether - whatever the answer is, I wouldn't comment because whether or not we engage in certain activities is a matter of classification because they're intelligence activities, so it wouldn't matter what the answer is; I wouldn't comment. And people should understand that. I assume other countries don't comment on intelligence activities and we're not going to comment on intelligence activities. I'm not going to compromise intelligence activities that have a chance to save lives and therefore no one should assume that a yes or no answer would have been made whether or not we were engaging in activities of this kind.

The important points here are that we are respecting the sovereignty of our partners. We are determined that the U.S. and U.S. personnel will operate in a way that conforms to U.S. obligations under U.S. law as well as under our international obligations. And I want to go back to another point that I made, which is that it shouldn't be surprising, as Director Goss said, that intelligence agencies are engaging in the collection of intelligence. This war on terrorism, this war against these terrorists who have killed thousands of innocent civilians, is a war that is very intelligence-driven. There is no doubt that we can do everything that we want to try to do, that we try to do to protect ourselves, to harden our sites, to go after the war of words and the war for the hearts and minds. We're trying to take away terrorist safe havens.

But ultimately, if you want to stop attacks, you have to use intelligence to do it. We found that out on September 11th. That was what was lacking. And the President is going to use every lawful means to fight the war on terror.

QUESTION: You said this morning and other of your colleagues have said in the past few days that the United States has not engaged in any illegal activities, yet the European Justice Commissioner is saying that the mere existence of such facilities or sites would be illegal under European law. That really is what it seems to me the issue.

Now, since you can't talk about this because it's intelligence, how are you going to resolve that fundamental problem?

SECRETARY RICE: Again, I would not under any circumstances comment yes or no on whether certain kinds of intelligence activities take place because if you do, then you're exposing intelligence activities whether the

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answer is yes or no. The Europeans are like we are, dependent on intelligence for fighting the war on terror. We are all dependent on cooperation for fighting the war on terror. And I assume that other governments don't intend to talk about their intelligence activities either. They are, by their nature, activities that you don't talk about.

Now, again, it shouldn't be surprising to anybody that intelligence agencies engage in the gathering of intelligence. That's what they do. It also shouldn't be surprising that they engage in the gathering of intelligence in order to try and prevent the kind of attack that we experienced on September 11th or that others have experienced since and before.

So what I will say to my European colleagues is that we are not breaking - that we're operating under our laws, we're operating under our international obligations, we're respecting the sovereignty of the countries with which we are cooperating, and that's all I can say. The United States is a country of rule of law. The United States is a friendly country to most of these countries. In all of these cases, we have been allies - not just in the war on terror; in some cases going all the way back to the Cold War and before.

And there does have to be an element of this in understanding that there are certain things that we simply can't talk about, but I'm going to state the principles and state the principles very clearly. We'll do everything that we can within the law to deal with terrorists. We will respect the sovereignty of our partners. We will conform with both our laws and our international obligations.

QUESTION: Madame Secretary, we understand that you are constrained by classified informations, but when it was needed before the war in Iraq, U.S. declassified some informations to explain that U.S. (inaudible) there were some weapon of mass destruction in Iraq. Don't you think it's time to declassify some information to reassure your European partners?

SECRETARY RICE: The declassification of information concerning weapons of mass destruction was first of all done so that the American people would understand what we knew at the time about the reasons for the resolutions against Saddam Hussein, and among other things the weapons of mass destruction were among those resolutions. There were also terrorism issues and there were also human rights issues in those resolutions. But we declassified that because in the decision that was pending as to whether or not it was time to make Saddam Hussein comply with the obligations he had undertaken, it was important to know the story of what was behind those resolutions. But it was done very carefully so as not to compromise intelligence operations of any kind.

And so our first goal and our first obligation has to be that in a war that is clearly a war in which intelligence saves lives, and I want to repeat that - this is a war in which intelligence saves lives - that we not compromise intelligence activities that are doing precisely that.

QUESTION: Madame Secretary, why did you choose to issue this statement just now, 15 minutes before leaving on this trip? Had you received any indication that some of the governments you're going to be talking to were going to ask you about this? And also could you talk a little bit about what you are going to do in some of these countries?

SECRETARY RICE: I'd be really glad to do the second, Joel. (Laughter.)

On the first point, I had said to the European presidency that I would try to answer as soon as possible. I received the letter from Jack Straw late last week. It seemed we needed some time to have a response that was appropriate to the questions asked. But I wanted to respond as soon as possible and it seemed only reasonable to respond before I go to Europe so that if there are questions of the kind that you're asking that I can answer them. And so yeah, the timing was geared to trying to do it before I get to Europe.

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I'm looking forward to the stops that I have. I'm going to Berlin. This will be the first opportunity, obviously, to meet with the new German Government. I have met Chancellor Merkel before, before she was Chancellor when she was in the opposition. I look forward to talking with her. I look forward to talking with my counterpart, the Foreign Minister, with whom I met last week, so that we can explore ways to continue to strengthen the U.S.-German relationship and push transatlantic relations forward.

I think I said once when I was here before that there had been a lot of putting the transatlantic relationship on the sofa and sort of analyzing it and saying how's it doing, but I think that it's incumbent on all of us in these difficult times to make sure that what the transatlantic relationship is really about is using it for the betterment of our goals and our interests, including pushing for the democracy agenda. I look forward to talking about Afghanistan, where Germany plays an especially important role; about Iran, where Germany is one of the EU-3 negotiating with the Iranians; and also about the upcoming elections in Iraq.

I'm very much looking forward to going to Romania, where we will sign a defense agreement on a base there that would be used for training. It is a statement really about how strong the U.S.-Romanian relationship has become. Romania is one of our strongest partners in Iraq. It's a member of NATO and has been very fierce in the war on terror. And so we will talk about that and I look forward to signing that.

I'm especially looking forward to going to Ukraine. I've not been to Ukraine since 2001, so this is a very different Ukraine than the Ukraine of 2001. Obviously, it is a Ukraine that has to deliver on the promises of the Orange Revolution and I look forward to talking about how U.S. partnership can help them to do that. I've met with lots of Ukrainian officials but *I've not been there since 2001, and this is going to be, I think, a very interesting trip for me.*

QUESTION: Back to the detainee issue. Obviously, one thing you're stressing is that the United States hasn't done anything that violates any European country's sovereignty. That would imply that at least some areas of each government know exactly what you've been doing. So why is the - why have the Europeans been pressuring you on this? Is it now not time for them to sort of step away from the pressure, given that you're all working together on it?

SECRETARY RICE: Well, I do think that it is important that all of us that are fighting the war on terror remind ourselves and our publics that we have an obligation to protect our people. I mentioned in my statement that I have been before an inquiry that asks you the question: "Did you do everything that you can? Why did you not do more?" And it is exceedingly hard when you look at the families of people who lost their lives in a terrorist attack and you wonder to yourself, "Did I do everything that I could?"

Now, four years after September 11th, when we have a much better understanding of the threat than we had prior to September 11th, when we know that there are terrorists who live, if you will, in plain view within our societies, I think the real question that our populations are going to be asking us is: "Are you doing everything that you can, lawfully?" Certainly lawfully, because we are democracies and we are countries of laws. But are you doing everything that you can to prevent the next terrorist attack?

And terrorism is different than traditional law enforcement in that you can't afford to let somebody commit the crime before you detain them or question them. Because once they've committed the crime, you've already lost thousands or hundreds of innocent lives. And so I do hope that this trip will give us a chance to refocus on what it is that we're trying to do, to remind ourselves and our populations that there are difficult choices and difficult circumstances that we have not faced before on this war on terrorism, and that that's what we need to concentrate on. It's why I want to give the assurances that we are a country of laws, we are doing everything lawfully, because the President would never ask American citizens to behave unlawfully. So our people are operating under U.S. law and U.S. treaty obligations. We are respecting sovereignty and we are determined

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within what is lawful to do everything that we can. And I do hope we'll refocus on that point.

QUESTION: Thanks for giving me a follow-up. There's just a couple of things I don't understand and maybe you can make clearer. One is how do you choose which part of the intelligence operations you're not going to talk about and which you are? You obviously were very clear that you'd talk about, explain everything on renditions, but then nothing on secret prisons.

And then to go back to Glenn's question about cruel, inhumane and degrading treatment, I'd just like sort of a clearer answer that is the - does the United States allow CID on other countries' territory?

SECRETARY RICE: Our people, wherever they are, are operating under U.S. law and U.S. international obligations. The question of what intelligence information we can and cannot make public, we do very carefully from time to time release intelligence information, as we did with Saddam Hussein's activities prior to the war; but what we don't do is anything that will compromise ongoing operations in any way. If you notice, I spoke to principle about renditions, about the general practice of renditions and about some historical cases, not about specific operations that are underway.

And again, were I to confirm or deny, say yes or say no, then I would be compromising intelligence information. I'm not going to do that.

QUESTION: Thank you very much. A while back you mentioned the Cold War and our alliances. It seems to be back during the Cold War the allies gave us the benefit of the doubt very often on questions like this, and that's maybe less so today. Do you think that's true and, if so, why?

SECRETARY RICE: It's an interesting question. It would be an interesting thing to go back and look at. In some ways, as nontraditional as the Cold War was, as there was not a shooting war for the most part, it was still within the confines of what we understood to be relations between sovereign states. We understood the Soviet Union. We understood what the Soviet Union was doing in Eastern Europe. The Soviet Union had an army. The Soviet Union had intelligence agencies. It was a state within the international system that, while we by all means believed that it was on the wrong side of history, it operated to a certain extent within parameters that people understood in state-to-state relations.

We're now dealing with shadowy networks that know no boundaries, where the people do not align themselves to a state, where they deliberately do not align themselves to a state, but rather to a transnational ideology of hatred that doesn't bear allegiance to a state in the inter-state system. They don't wear uniforms. They operate outside of the traditional boundaries of the international system as we have known it. They wantonly kill innocent civilians in their cause. In fact, they seem to seek out innocent civilians to kill them.

What happened in Jordan, what happened in New York, what happened in Madrid, what happened in London, what happened in Casablanca, was not collateral damage. They wantonly sought out innocent civilians. This is different and I think that because of that the international system is having to deal with this problem, and it is, frankly, challenging our norms and our practices.

But what I would hope that our allies would acknowledge is that we are all in this together, that when we discover or uncover intelligence it is very often intelligence that saves European lives. Very often these are not plots that are headed for the United States; they're headed for someplace in Europe. And I can say that Europeans have uncovered intelligence that has helped protect American lives. That's as it should be.

But I hope they would also acknowledge that we are a country of laws and that we are doing this within the parameters of the law. That said, I know that these are hard and they're hard decisions and we've had to make hard choices. And as you know, democracies are going to debate these things and that's the benefit of

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democracies. But when democracies debate it, they need to debate it not just on one side of the issue, and that is the issue of how the actual activities are being carried out but also on the side of the issue of are we doing everything that we can lawfully to protect innocent life.

QUESTION: Can I just clarify something very quickly, because this is important? You say that you operate under U.S. law and your international treaty obligations. So am I to understand that if there's any potential breaking of European law, that the European countries are responsible for that and they have to actually answer to that?

SECRETARY RICE: The United States upholds U.S. law and its international obligations. That's the way the international system has always worked.

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